

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,	)	
	)	The Honorable Liam O’Grady
Plaintiff,	)	
	)	Case No. 1:12-cr-00003-LO
v.	)	
	)	
KIM DOTCOM, <i>et al.</i>	)	
	)	
Defendants.	)	

**MOTION OF KYLE GOODWIN FOR LEAVE TO FILE BRIEF IN RESPONSE  
TO SUPPLEMENTAL BRIEF OF SPECIALLY APPEARING DEFENDANT AND  
INTERESTED PARTY MEGAUPLOAD LIMITED REGARDING RULE 41(G)  
HEARING**

Kyle Goodwin has moved this Court for return of his property under Rule 41(g) of the Federal Rules of Criminal Procedure. Dkt. No. 90. The Court has requested briefing on the “suggested format and breadth” of a hearing held under that rule; Mr. Goodwin and the government have since provided their input. Dkt. Nos. 135, 136. As part of his proposal, Mr. Goodwin recommended that this Court hear testimony from himself, from the government, and from limited third-party witnesses, such as a representative of Carpathia Hosting, Inc., the company that owns the servers leased by Megaupload (and on which Mr. Goodwin’s property is presumably stored). Dkt. No. 135 at 5-6.

In addition to briefing the contours of a potential Rule 41(g) hearing, Mr. Goodwin moved to unseal certain search warrants related to the searches and seizures that took place in January 2012. Dkt. No. 131. In response, six warrants have been unsealed. Dkt. No. 143.

In the midst of these motions, Megaupload filed a brief of its own, drawing Mr. Goodwin's attention to another search warrant, this one from June 2010. Megaupload alleges that it cooperated with the government pursuant to that 2010 warrant and that its cooperation directly led to the allegations that formed the indictment—and affidavits in support of the search warrants—in this action. Dkt. Nos. 156; 153-2 at 7.

This information was previously unknown to Mr. Goodwin. Megaupload's allegations, if true, directly impact Mr. Goodwin's efforts to get his property back. Accordingly, Mr. Goodwin respectfully seeks leave to file the accompanying brief in support of Megaupload's request to participate in any hearing that occurs under Fed. R. Crim. P. 41(g).

Dated: January 29, 2013

Respectfully submitted,

/s/ John S. Davis

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# CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2013, the foregoing was filed and served electronically by the Court's CM/ECF system upon all registered users, upon the following:

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I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 29, 2013

/s/  
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